

MATTHEW J. KLUGER  
ATTORNEY AT LAW

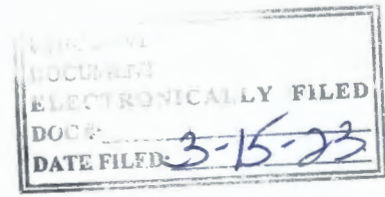
MEMO ENDORSED

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March 6, 2023

By ECF

The Honorable Lewis A. Kaplan  
United States District Court Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



Re: United States v. Ira Richards  
13 Cr. 818 (LAK)

Dear Judge Kaplan,

On or around August 26, 2020, Ira Richards filed a *pro se*, "compassionate release" motion seeking a reduction of his sentence. Thereafter, on or about December 23, 2020, the Court assigned me as CJA counsel to assist Mr. Richards with his application. I write now to update the Court on my progress.

For reasons stated in my letter dated January 5, 2023, the Court Ordered that Mr. Richard's Motion for Compassionate Release be filed "on or before March 6, 2023." (See Doc. #56). Unfortunately, I am unable to complete the motion because I am still waiting for Mr. Richard's prison records, which in this case are integral to the motion itself. Moreover, the Bureau of Prisons has informed me that they consider this to be a "complex case," and that "processing complex requests may take up to *nine months*." (See attached letter from BOP dated February 6, 2023)(emphasis added).

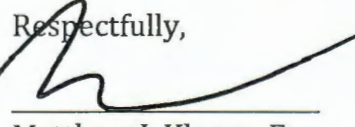
Accordingly, having no real alternative, I respectfully request that the Court postpone the deadline for the defense to either file its Motion for Compassionate Release or provide a status update to the Court to May 8, 2023.

Thank you for the Court's continued patience and consideration.

  
SO ORDERED

LEWIS A. KAPLAN, USDJ

Respectfully,

  
Matthew J. Kluger, Esq.  
Attorney for Ira Richards

3/15/23

cc: United States Attorney's Office via ECF



**U.S. Department of Justice  
Federal Bureau of Prisons**

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*Mid Atlantic Regional Office  
302 Sentinel Drive  
Suite 200  
Annapolis Junction, MD 20701*

February 6, 2023

Via Email  
Matt Kluger  
Law Office of Matthew J. Kluger  
888 Grand Concourse  
Suite 1H  
Bronx, NY 10451

Dear Mr. Kluger:

The Federal Bureau of Prisons (BOP) received your Freedom of Information Act/Privacy Act (FOIA/PA) request. Your request has been assigned a number and forwarded to the processing office noted below. Please make a note of the request number and processing office as you will need to include it in any correspondence or inquiry regarding your request. A copy of the first page of your request is attached to help you keep track of your request more easily.

FOIA/PA Request Number: 2023-01766  
Processing Office: Mid-Atlantic Regional Office

The time needed to complete our processing of your request depends on the complexity of our records search and the volume and complexity of any records located. Each request is assigned to one of three tracks: simple, complex, or expedited. Due to the large number of FOIA/PA requests received by BOP and the limited resources available to process such requests, BOP handles each request on a first in, first out basis in relation to other requests in the same track. Your request was assigned to the complex track and placed in chronological order based on the date of receipt.

We determined unusual circumstances exist as the documents responsive to your request must be searched for and collected from a field office, and/or the documents responsive to your request are expected to be voluminous and will require significant time to review. Because of these unusual circumstances, we have extended the time limit to respond to your request for the ten additional days provided by the statute. Processing complex requests may take up to nine months. In accordance with 28



C.F.R. § 16.5(b) and (c), you may narrow or modify your request in an effort to reduce the processing time.

Pursuant to 28 C.F.R. § 16.10, in certain circumstances we are required to charge fees for time spent searching for or duplicating responsive documents. If we anticipate your fees will be in excess of \$25.00 or the amount you have indicated you are willing to pay, we will notify you of the estimated amount. At that time, you will have the option to reformulate your request to reduce the fees. If you requested a fee waiver, we will decide whether to grant your request after we determine whether fees will be assessed for this request.

If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, please feel free to contact the MXR at 301-317-3100 (phone) or the BOP's FOIA Public Liaison, Mr. Eugene Baime, at: (202) 616-7750 (phone); 320 First Street NW, Room 924, Washington, DC 20534; or bop-ogc-efoia-s@bop.gov. You can also check the status of your request online at <http://www.bop.gov/PublicInfo/execute/foia>.

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road (OGIS), College Park, MD 20740; ogis@nara.gov; (202) 741-5770 (phone); (877) 684-6448 (toll free); or (202) 741-5769 (fax).

Sincerely,

*D. Lee*, for

Michael D. Frazier  
Regional Counsel  
Mid-Atlantic Region